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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/040,605 | 12/28/2001 | David Harriman | 42390.P13764 | 2731 |

7590 01/19/2005

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EXAMINER

CHOUDHURY, AZIZUL Q

| ART UNIT | PAPER NUMBER |
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2145

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,605

Applicant(s)

HARRIMAN ET AL.

Examiner

Azizul Choudhury

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandberg (US Pat No: US005522045A).

1. With regards to claim 1, Sandberg teaches an apparatus, comprising: a data path output unit to output a packet header, the packet header including: a format field to partially specify the packet header format; and a type field to specify a transaction type (The first byte of a data packet is known as the header and it contains information about the data packet. This includes the data type, size and format (column 12, lines 54-56, Sandberg). The design inputs and outputs data packets).
2. With regards to claims 2, 7, and 12, Sandberg teaches the apparatus, wherein the format field and the type field together specify the packet header format (The first byte of a data packet is known as the header and it contains information

about the data packet. This includes the data type, size and format (column 12, lines 54-56, Sandberg)).

3. With regards to claims 3, 8 and 13, Sandberg teaches the apparatus, wherein the format field indicates the size of the packet header (The first byte of a data packet is known as the header and it contains information about the data packet. This includes the data type, size and format (column 12, lines 54-56, Sandberg)).
4. With regards to claims 4, 9 and 14, Sandberg teaches the apparatus, wherein the format field further indicates whether the packet includes data (The first byte of a data packet is known as the header and it contains information about the data packet. This includes the data type, size and format (column 12, lines 54-56, Sandberg)).
5. With regards to claims 5, 10 and 16, Sandberg teaches the apparatus, wherein the format field and the type field are located in the first byte of the packet header to be output by the data path output unit (The first byte of a data packet is known as the header and it contains information about the data packet. This includes the data type, size and format (column 12, lines 54-56, Sandberg)).
6. With regards to claim 6, Sandberg teaches an apparatus, comprising: a data path input unit to receive a packet header, the packet header including: a format field

to partially specify the packet header format; and a type field to specify a transaction type (The first byte of a data packet is known as the header and it contains information about the data packet. This includes the data type, size and format (column 12, lines 54-56, Sandberg). The design inputs and outputs data packets).

7. With regards to claim 11, Sandberg teaches an system, comprising: a transmitting device to transmit a packet header, the packet header including a format field to partially specify the packet header format and a type field to specify a transaction type; and a receiving device couple to the transmitting device, the receiving device to receive the packet header (The first byte of a data packet is known as the header and it contains information about the data packet. This includes the data type, size and format (column 12, lines 54-56, Sandberg). The design inputs and outputs data packets).
8. With regards to claim 15, Sandberg teaches the system wherein the transmitting device and the receiving device are coupled via a serial interface (Sandberg's design allows for serial network connections (column 7, lines 66-67, Sandberg)).

Remarks

The claimed invention describes the header information of data packets. Such information has been known in the art since the formation of the TCP/IP protocol. Hence, the claimed invention lacks novelty.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC


JACK B. HARVEY
SUPERVISOR, PATENT EXAMINER